



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4616

Introduced 1/12/2006, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 447/5-10
225 ILCS 447/10-25
225 ILCS 447/10-30
225 ILCS 447/20-10
225 ILCS 447/35-10
225 ILCS 447/35-25
225 ILCS 447/35-30
225 ILCS 447/35-35
225 ILCS 447/35-40
225 ILCS 447/35-45
225 ILCS 447/40-10
225 ILCS 447/45-50
225 ILCS 447/45-55
720 ILCS 5/24-2

from Ch. 38, par. 24-2

Amends the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Replaces references to "firearm authorization card" with "firearm control card" throughout the Act. Removes the provision that allows a person who meets certain qualifications to receive a license as a private alarm contractor without having passed the required examination. Provides that the Department may issue a temporary firearm control card pending the issuance of a new firearm control card upon an agency's acquiring of an established armed account. Makes other changes. Amends the Criminal Code of 1961 to make corresponding changes. Effective immediately.

LRB094 15364 RAS 50555 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, and Locksmith Act of 2004 is amended by changing
6 Sections 5-10, 10-25, 10-30, 20-10, 35-10, 35-25, 35-30, 35-35,
7 35-40, 35-45, 40-10, 45-50, and 45-55 as follows:

8 (225 ILCS 447/5-10)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 5-10. Definitions. As used in this Act:

11 "Advertisement" means any printed material that is
12 published in a phone book, newspaper, magazine, pamphlet,
13 newsletter, or other similar type of publication that is
14 intended to either attract business or merely provide contact
15 information to the public for an agency or licensee.
16 Advertisement shall include any material disseminated by
17 printed or electronic means or media, but shall not include a
18 licensee's or an agency's letterhead, business cards, or other
19 stationery used in routine business correspondence or
20 customary name, address, and number type listings in a
21 telephone directory.

22 "Alarm system" means any system, including an electronic
23 access control system, a surveillance video system, a security
24 video system, a burglar alarm system, a fire alarm system, or
25 any other electronic system, that activates an audible,
26 visible, remote, or recorded signal that is designed for the
27 protection or detection of intrusion, entry, theft, fire,
28 vandalism, escape, or trespass.

29 "Armed employee" means a licensee or registered person who
30 is employed by an agency licensed or an armed proprietary
31 security force registered under this Act who carries a weapon
32 while engaged in the performance of official duties within the

1 course and scope of his or her employment during the hours and
2 times the employee is scheduled to work or is commuting between
3 his or her home or place of employment, provided that commuting
4 is accomplished within one hour from departure from home or
5 place of employment.

6 "Armed proprietary security force" means a security force
7 made up of 5 or more armed individuals employed by a private,
8 commercial, or industrial operation or one or more armed
9 individuals employed by a financial institution as security
10 officers for the protection of persons or property.

11 "Board" means the Private Detective, Private Alarm,
12 Private Security, and Locksmith Board.

13 "Branch office" means a business location removed from the
14 place of business for which an agency license has been issued,
15 including but not limited to locations where active employee
16 records that are required to be maintained under this Act are
17 kept, where prospective new employees are processed, ~~or~~ where
18 members of the public are invited in to transact business, or
19 any address advertised to the public that is not the address
20 for the license issued by the Department. A branch office does
21 not include an office or other facility located on the property
22 of an existing client that is utilized solely for the benefit
23 of that client and is not owned or leased by the agency.

24 "Corporation" means an artificial person or legal entity
25 created by or under the authority of the laws of a state,
26 including without limitation a corporation, limited liability
27 company, or any other legal entity.

28 "Department" means the Department of Professional
29 Regulation.

30 "Director" means the Director of Professional Regulation.

31 "Employee" means a person who works for a person or agency
32 that has the right to control the details of the work performed
33 and is not dependent upon whether or not federal or state
34 payroll taxes are withheld.

35 "Fire alarm system" means any system that is activated by
36 an automatic or manual device in the detection of smoke, heat,

1 or fire that activates an audible, visible, or remote signal
2 requiring a response.

3 "Firearm control ~~authorization~~ card" means a card issued by
4 the Department that authorizes the holder, who has complied
5 with the training and other requirements of this Act, to carry
6 a weapon during the performance of his or her duties as
7 specified in this Act.

8 "Firm" means an unincorporated business entity, including
9 but not limited to proprietorships and partnerships.

10 "Locksmith" means a person who engages in a business or
11 holds himself out to the public as providing a service that
12 includes, but is not limited to, the servicing, installing,
13 originating first keys, re-coding, repairing, maintaining,
14 manipulating, or bypassing of a mechanical or electronic
15 locking device, access control or video surveillance system at
16 premises, vehicles, safes, vaults, safe deposit boxes, or
17 automatic teller machines.

18 "Locksmith agency" means a person, firm, corporation, or
19 other legal entity that engages in the locksmith business and
20 employs, in addition to the locksmith licensee-in-charge, at
21 least one other person in conducting such business.

22 "Locksmith licensee-in-charge" means a person who has been
23 designated by agency to be the licensee-in-charge of an agency,
24 who is a full-time management employee or owner who assumes
25 sole responsibility for maintaining all records required by
26 this Act, and who assumes sole responsibility for assuring the
27 licensed agency's compliance with its responsibilities as
28 stated in this Act. The Department shall adopt rules mandating
29 licensee-in-charge participation in agency affairs.

30 "Peace officer" or "police officer" means a person who, by
31 virtue of office or public employment, is vested by law with a
32 duty to maintain public order or to make arrests for offenses,
33 whether that duty extends to all offenses or is limited to
34 specific offenses. Officers, agents, or employees of the
35 federal government commissioned by federal statute to make
36 arrests for violations of federal laws are considered peace

1 officers.

2 "Permanent employee registration card" means a card issued
3 by the Department to an individual who has applied to the
4 Department and meets the requirements for employment by a
5 licensed agency under this Act.

6 "Person" means a natural person.

7 "Private alarm contractor" means a person who engages in a
8 business that individually or through others undertakes,
9 offers to undertake, purports to have the capacity to
10 undertake, or submits a bid to sell, install, monitor,
11 maintain, alter, repair, replace, or service alarm and other
12 security-related systems or parts thereof, including fire
13 alarm systems, at protected premises or premises to be
14 protected or responds to alarm systems at a protected premises
15 on an emergency basis and not as a full-time security officer.

16 "Private alarm contractor" does not include a person, firm, or
17 corporation that manufactures or sells alarm systems only from
18 its place of business and does not sell, install, monitor,
19 maintain, alter, repair, replace, service, or respond to alarm
20 systems at protected premises or premises to be protected.

21 "Private alarm contractor agency" means a person,
22 corporation, or other entity that engages in the private alarm
23 contracting business and employs, in addition to the private
24 alarm contractor-in-charge, at least one other person in
25 conducting such business.

26 "Private alarm contractor licensee-in-charge" means a
27 person who has been designated by an agency to be the
28 licensee-in-charge of an agency, who is a full-time management
29 employee or owner who assumes sole responsibility for
30 maintaining all records required by this Act, and who assumes
31 sole responsibility for assuring the licensed agency's
32 compliance with its responsibilities as stated in this Act. The
33 Department shall adopt rules mandating licensee-in-charge
34 participation in agency affairs.

35 "Private detective" means any person who by any means,
36 including but not limited to manual or electronic methods,

1 engages in the business of, accepts employment to furnish, or
2 agrees to make or makes investigations for a fee or other
3 consideration to obtain information relating to:

4 (1) Crimes or wrongs done or threatened against the
5 United States, any state or territory of the United States,
6 or any local government of a state or territory.

7 (2) The identity, habits, conduct, business
8 occupation, honesty, integrity, credibility, knowledge,
9 trustworthiness, efficiency, loyalty, activity, movements,
10 whereabouts, affiliations, associations, transactions,
11 acts, reputation, or character of any person, firm, or
12 other entity by any means, manual or electronic.

13 (3) The location, disposition, or recovery of lost or
14 stolen property.

15 (4) The cause, origin, or responsibility for fires,
16 accidents, or injuries to individuals or real or personal
17 property.

18 (5) The truth or falsity of any statement or
19 representation.

20 (6) Securing evidence to be used before any court,
21 board, or investigating body.

22 (7) The protection of individuals from bodily harm or
23 death (bodyguard functions).

24 (8) Service of process in criminal and civil
25 proceedings without court order.

26 "Private detective agency" means a person, firm,
27 corporation, or other legal entity that engages in the private
28 detective business and employs, in addition to the
29 licensee-in-charge, one or more persons in conducting such
30 business.

31 "Private detective licensee-in-charge" means a person who
32 has been designated by an agency to be the licensee-in-charge
33 of an agency, who is a full-time management employee or owner
34 who assumes sole responsibility for maintaining all records
35 required by this Act, and who assumes sole responsibility for
36 assuring the licensed agency's compliance with its

1 responsibilities as stated in this Act. The Department shall
2 adopt rules mandating licensee-in-charge participation in
3 agency affairs.

4 "Private security contractor" means a person who engages in
5 the business of providing a private security officer, watchman,
6 patrol, or a similar service by any other title or name on a
7 contractual basis for another person, firm, corporation, or
8 other entity for a fee or other consideration and performing
9 one or more of the following functions:

10 (1) The prevention or detection of intrusion, entry,
11 theft, vandalism, abuse, fire, or trespass on private or
12 governmental property.

13 (2) The prevention, observation, or detection of any
14 unauthorized activity on private or governmental property.

15 (3) The protection of persons authorized to be on the
16 premises of the person, firm, or other entity for which the
17 security contractor contractually provides security
18 services.

19 (4) The prevention of the misappropriation or
20 concealment of goods, money, bonds, stocks, notes,
21 documents, or papers.

22 (5) The control, regulation, or direction of the
23 movement of the public for the time specifically required
24 for the protection of property owned or controlled by the
25 client.

26 (6) The protection of individuals from bodily harm or
27 death (bodyguard functions).

28 "Private security contractor agency" means a person, firm,
29 corporation, or other legal entity that engages in the private
30 security contractor business and that employs, in addition to
31 the licensee-in-charge, one or more persons in conducting such
32 business.

33 "Private security contractor licensee-in-charge" means a
34 person who has been designated by an agency to be the
35 licensee-in-charge of an agency, who is a full-time management
36 employee or owner who assumes sole responsibility for

1 maintaining all records required by this Act, and who assumes
2 sole responsibility for assuring the licensed agency's
3 compliance with its responsibilities as stated in this Act. The
4 Department shall adopt rules mandating licensee-in-charge
5 participation in agency affairs.

6 "Public member" means a person who is not a licensee or
7 related to a licensee, or who is not an employer or employee of
8 a licensee. The term "related to" shall be determined by the
9 rules of the Department.

10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/10-25)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 10-25. Issuance of license; renewal; fees.

14 (a) The Department shall, upon the applicant's
15 satisfactory completion of the requirements set forth in this
16 Act and upon receipt of the fee, issue the license indicating
17 the name and business location of the licensee and the date of
18 expiration.

19 (b) An applicant may, upon satisfactory completion of the
20 requirements set forth in this Act and upon receipt of fees
21 related to the application and testing for licensure, elect to
22 defer the issuance of the applicant's initial license for a
23 period not longer than 6 years. An applicant who fails to
24 request issuance of his or her initial license or agency
25 license and to remit the fees required for that license within
26 6 years shall be required to resubmit an application together
27 with all required fees.

28 (c) The expiration date, renewal period, and conditions for
29 renewal and restoration of each license, permanent employee
30 registration card, and firearm control ~~authorization~~ card
31 shall be set by rule. The holder may renew the license,
32 permanent employee registration card, or firearm control
33 ~~authorization~~ card during the 30 days preceding its expiration
34 by paying the required fee and by meeting conditions that the
35 Department may specify. Any license holder who notifies the

1 Department on forms prescribed by the Department may place his
2 or her license on inactive status for a period of not longer
3 than 6 years and shall, subject to the rules of the Department,
4 be excused from payment of renewal fees until the license
5 holder notifies the Department, in writing, of an intention to
6 resume active status. Practice while on inactive status
7 constitutes unlicensed practice. A non-renewed license that
8 has lapsed for less than 6 years may be restored upon payment
9 of the restoration fee and all lapsed renewal fees. A license
10 that has lapsed for more than 6 years may be restored by paying
11 the required restoration fee and all lapsed renewal fees and by
12 providing evidence of competence to resume practice
13 satisfactory to the Department and the Board, which may include
14 passing a written examination. All restoration fees and lapsed
15 renewal fees shall be waived for an applicant whose license
16 lapsed while on active duty in the armed forces of the United
17 States if application for restoration is made within 12 months
18 after discharge from the service.

19 (d) Any permanent employee registration card expired for
20 less than one year may be restored upon payment of lapsed
21 renewal fees. Any permanent employee registration card expired
22 for one year or more may be restored by making application to
23 the Department and filing proof acceptable to the Department of
24 the licensee's fitness to have the permanent employee
25 registration card restored, including verification of
26 fingerprint processing through the Department of State Police
27 and Federal Bureau of Investigation and paying the restoration
28 fee.

29 (Source: P.A. 93-438, eff. 8-5-03.)

30 (225 ILCS 447/10-30)

31 (Section scheduled to be repealed on January 1, 2014)

32 Sec. 10-30. Unlawful acts. It is unlawful for a licensee or
33 an employee of a licensed agency:

34 (1) Upon termination of employment by the agency, to
35 fail to return upon demand or within 72 hours of

1 termination of employment any firearm issued by the
2 employer together with the employee's firearm control
3 ~~authorization~~ card.

4 (2) Upon termination of employment by the agency, to
5 fail to return within 72 hours of termination of employment
6 any uniform, badge, identification card, or equipment
7 issued, but not sold, to the employee by the agency.

8 (3) To falsify the employee's statement required by
9 this Act.

10 (4) To have a badge, shoulder patch, or any other
11 identification that contains the words "law enforcement".
12 In addition, no license holder or employee of a licensed
13 agency shall in any manner imply that the person is an
14 employee or agent of a governmental agency or display a
15 badge or identification card, emblem, or uniform citing the
16 words "police", "sheriff", "highway patrol trooper", or
17 "law enforcement".

18 (Source: P.A. 93-438, eff. 8-5-03.)

19 (225 ILCS 447/20-10)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 20-10. Qualifications for licensure as a private alarm
22 contractor.

23 (a) A person is qualified for licensure as a private alarm
24 contractor if he or she meets all of the following
25 requirements:

26 (1) Is at least 21 years of age.

27 (2) Has not been convicted of any felony in any
28 jurisdiction or at least 10 years have elapsed since the
29 time of full discharge from a sentence imposed for a felony
30 conviction.

31 (3) Is of good moral character. Good moral character is
32 a continuing requirement of licensure. Conviction of
33 crimes other than felonies may be used in determining moral
34 character, but shall not constitute an absolute bar to
35 licensure.

1 (4) Has not been declared by any court of competent
2 jurisdiction to be incompetent by reason of mental or
3 physical defect or disease, unless a court has subsequently
4 declared him or her to be competent.

5 (5) Is not suffering from dependence on alcohol or from
6 narcotic addiction or dependence.

7 (6) Has a minimum of 3 years experience of the 5 years
8 immediately preceding application working as a full-time
9 manager for a licensed private alarm contractor agency or
10 for an entity that designs, sells, installs, services, or
11 monitors alarm systems that, in the judgment of the Board,
12 satisfies the standards of alarm industry competence. An
13 applicant who has received a 4-year degree or higher in
14 electrical engineering or a related field from a program
15 approved by the Board shall be given credit for 2 years of
16 the required experience. An applicant who has successfully
17 completed a national certification program approved by the
18 Board shall be given credit for one year of the required
19 experience.

20 (7) Has not been dishonorably discharged from the armed
21 forces of the United States.

22 (8) Has passed an examination authorized by the
23 Department.

24 (9) Submits his or her fingerprints, proof of having
25 general liability insurance required under subsection (c),
26 and the required license fee.

27 (10) Has not violated Section 10-5 of this Act.

28 (b) (Blank). ~~A person is qualified to receive a license as~~
29 ~~a private alarm contractor without meeting the requirement of~~
30 ~~item (8) of subsection (a) if he or she:~~

31 ~~(1) applies for a license between September 2, 2003 and~~
32 ~~September 5, 2003 in writing on forms supplied by the~~
33 ~~Department;~~

34 ~~(2) provides proof of ownership of a licensed alarm~~
35 ~~contractor agency; and~~

36 ~~(3) provides proof of at least 7 years of experience in~~

1 ~~the installation, design, sales, repair, maintenance,~~
2 ~~alteration, or service of alarm systems or any other low~~
3 ~~voltage electronic systems.~~

4 (c) It is the responsibility of the applicant to obtain
5 general liability insurance in an amount and coverage
6 appropriate for the applicant's circumstances as determined by
7 rule. The applicant shall provide evidence of insurance to the
8 Department before being issued a license. Failure to maintain
9 general liability insurance and to provide the Department with
10 written proof of the insurance shall result in cancellation of
11 the license.

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/35-10)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 35-10. Inspection of facilities. Each licensee shall
16 permit his or her office facilities and registered employee
17 files to be audited or inspected at reasonable times and in a
18 reasonable manner upon at least 24 hours notice by the
19 Department.

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/35-25)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 35-25. Duplicate licenses. If a license, permanent
24 employee registration card, or firearm control ~~authorization~~
25 card is lost, a duplicate shall be issued upon proof of such
26 loss together with the payment of the required fee. If a
27 licensee decides to change his or her name, the Department
28 shall issue a license in the new name upon proof that the
29 change was done pursuant to law and payment of the required
30 fee. Notification of a name change shall be made to the
31 Department within 30 days after the change.

32 (Source: P.A. 93-438, eff. 8-5-03.)

33 (225 ILCS 447/35-30)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 35-30. Employee requirements. All employees of a
3 licensed agency, other than those exempted, shall apply for a
4 permanent employee registration card. The holder of an agency
5 license issued under this Act, known in this Section as
6 "employer", may employ in the conduct of his or her business
7 employees under the following provisions:

8 (a) ~~(1)~~ No person shall be issued a permanent employee
9 registration card who:

10 (1) ~~(A)~~ Is younger than 18 years of age.

11 (2) ~~(B)~~ Is younger than 21 years of age if the services
12 will include being armed.

13 (3) ~~(C)~~ Has been determined by the Department to be
14 unfit by reason of conviction of an offense in this or
15 another state, other than a traffic offense. The Department
16 shall adopt rules for making those determinations that
17 shall afford the applicant due process of law.

18 (4) ~~(D)~~ Has had a license or permanent employee
19 registration card denied, suspended, or revoked under this
20 Act (i) within one year before the date the person's
21 application for permanent employee registration card is
22 received by the Department; and (ii) that refusal, denial,
23 suspension, or revocation was based on any provision of
24 this Act other than Section 40-50, item (6) or (8) of
25 subsection (a) of Section 15-10, subsection (b) of Section
26 15-10, item (6) or (8) of subsection (a) of Section 20-10,
27 subsection (b) of Section 20-10, item (6) or (8) of
28 subsection (a) of Section 25-10, subsection (b) of Section
29 25-10, item (7) of subsection (a) of Section 30-10,
30 subsection (b) of Section 30-10, or Section 10-40.

31 (5) ~~(E)~~ Has been declared incompetent by any court of
32 competent jurisdiction by reason of mental disease or
33 defect and has not been restored.

34 (6) ~~(F)~~ Has been dishonorably discharged from the armed
35 services of the United States.

36 (b) ~~(2)~~ No person may be employed by a private detective

1 agency, private security contractor agency, private alarm
2 contractor agency, or locksmith agency under this Section until
3 he or she has executed and furnished to the employer, on forms
4 furnished by the Department, a verified statement to be known
5 as "Employee's Statement" setting forth:

6 (1) ~~(A)~~ The person's full name, age, and residence
7 address.

8 (2) ~~(B)~~ The business or occupation engaged in for the 5
9 years immediately before the date of the execution of the
10 statement, the place where the business or occupation was
11 engaged in, and the names of employers, if any.

12 (3) ~~(C)~~ That the person has not had a license or
13 employee registration denied, revoked, or suspended under
14 this Act (i) within one year before the date the person's
15 application for permanent employee registration card is
16 received by the Department; and (ii) that refusal, denial,
17 suspension, or revocation was based on any provision of
18 this Act other than Section 40-50, item (6) or (8) of
19 subsection (a) of Section 15-10, subsection (b) of Section
20 15-10, item (6) or (8) of subsection (a) of Section 20-10,
21 subsection (b) of Section 20-10, item (6) or (8) of
22 subsection (a) of Section 25-10, subsection (b) of Section
23 25-10, item (7) of subsection (a) of Section 30-10,
24 subsection (b) of Section 30-10, or Section 10-40.

25 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

26 (5) ~~(E)~~ Any declaration of incompetence by a court of
27 competent jurisdiction that has not been restored.

28 (6) ~~(F)~~ Any dishonorable discharge from the armed
29 services of the United States.

30 (7) ~~(G)~~ Any other information as may be required by any
31 rule of the Department to show the good character,
32 competency, and integrity of the person executing the
33 statement.

34 (c) Each applicant for a permanent employee registration
35 card shall have his or her fingerprints submitted to the
36 Department of State Police in an electronic format that

1 complies with the form and manner for requesting and furnishing
2 criminal history record information as prescribed by the
3 Department of State Police. These fingerprints shall be checked
4 against the Department of State Police and Federal Bureau of
5 Investigation criminal history record databases now and
6 hereafter filed. The Department of State Police shall charge
7 applicants a fee for conducting the criminal history records
8 check, which shall be deposited in the State Police Services
9 Fund and shall not exceed the actual cost of the records check.
10 The Department of State Police shall furnish, pursuant to
11 positive identification, records of Illinois convictions to
12 the Department. The Department may require applicants to pay a
13 separate fingerprinting fee, either to the Department or
14 directly to the vendor. The Department, in its discretion, may
15 allow an applicant who does not have reasonable access to a
16 designated vendor to provide his or her fingerprints in an
17 alternative manner. The Department, in its discretion, may also
18 use other procedures in performing or obtaining criminal
19 background checks of applicants. Instead of submitting his or
20 her fingerprints, an individual may submit proof that is
21 satisfactory to the Department that an equivalent security
22 clearance has been conducted. Also, an individual who has
23 retired as a peace officer within 12 months of application may
24 submit verification, on forms provided by the Department and
25 signed by his or her employer, of his or her previous full-time
26 employment as a peace officer.

27 (d) The Department shall issue a permanent employee
28 registration card, in a form the Department prescribes, to all
29 qualified applicants. The holder of a permanent employee
30 registration card shall carry the card at all times while
31 actually engaged in the performance of the duties of his or her
32 employment. Expiration and requirements for renewal of
33 permanent employee registration cards shall be established by
34 rule of the Department. Possession of a permanent employee
35 registration card does not in any way imply that the holder of
36 the card is employed by an agency unless the permanent employee

1 registration card is accompanied by the employee
2 identification card required by subsection (f) of this Section.

3 (e) Each employer shall maintain a record of each employee
4 that is accessible to the duly authorized representatives of
5 the Department. The record shall contain the following
6 information:

7 (1) A photograph taken within 10 days of the date that
8 the employee begins employment with the employer. The
9 photograph shall be replaced with a current photograph
10 every 3 calendar years.

11 (2) The Employee's Statement specified in subsection
12 (b) of this Section.

13 (3) All correspondence or documents relating to the
14 character and integrity of the employee received by the
15 employer from any official source or law enforcement
16 agency.

17 (4) In the case of former employees, the employee
18 identification card of that person issued under subsection
19 (f) of this Section. Each employee record shall duly note
20 if the employee is employed in an armed capacity. Armed
21 employee files shall contain a copy of an active firearm
22 owner's identification card and a copy of an active firearm
23 control authorization card. Each employer shall maintain a
24 record for each armed employee of each instance in which
25 the employee's weapon was discharged during the course of
26 his or her professional duties or activities. The record
27 shall be maintained on forms provided by the Department, a
28 copy of which must be filed with the Department within 15
29 days of an instance. The record shall include the date and
30 time of the occurrence, the circumstances involved in the
31 occurrence, and any other information as the Department may
32 require. Failure to provide this information to the
33 Department or failure to maintain the record as a part of
34 each armed employee's permanent file is grounds for
35 disciplinary action. The Department, upon receipt of a
36 report, shall have the authority to make any investigation

1 it considers appropriate into any occurrence in which an
2 employee's weapon was discharged and to take disciplinary
3 action as may be appropriate.

4 (5) The Department may, by rule, prescribe further
5 record requirements.

6 (f) Every employer shall furnish an employee
7 identification card to each of his or her employees. This
8 employee identification card shall contain a recent photograph
9 of the employee, the employee's name, the name and agency
10 license number of the employer, the employee's personal
11 description, the signature of the employer, the signature of
12 that employee, the date of issuance, and an employee
13 identification card number.

14 (g) No employer may issue an employee identification card
15 to any person who is not employed by the employer in accordance
16 with this Section or falsely state or represent that a person
17 is or has been in his or her employ. It is unlawful for an
18 applicant for registered employment to file with the Department
19 the fingerprints of a person other than himself or herself.

20 (h) Every employer shall obtain the identification card of
21 every employee who terminates employment with him or her.

22 (i) Every employer shall maintain a separate roster of the
23 names of all employees currently working in an armed capacity
24 and submit the roster to the Department on request.

25 (j) No agency may employ any person to perform a licensed
26 activity under this Act unless the person possesses a valid
27 permanent employee registration card or a valid license under
28 this Act, or is exempt pursuant to subsection (n).

29 (k) Notwithstanding the provisions of subsection (j), an
30 agency may employ a person in a temporary capacity if all of
31 the following conditions are met:

32 (1) The agency completes in its entirety and submits to
33 the Department an application for a permanent employee
34 registration card, including the required fingerprint
35 receipt and fees.

36 (2) The agency has verification from the Department

1 that the applicant has no record of any criminal conviction
2 pursuant to the criminal history check conducted by the
3 Department of State Police. The agency shall maintain the
4 verification of the results of the Department of State
5 Police criminal history check as part of the employee
6 record as required under subsection (e) of this Section.

7 (3) The agency exercises due diligence to ensure that
8 the person is qualified under the requirements of the Act
9 to be issued a permanent employee registration card.

10 (4) The agency maintains a separate roster of the names
11 of all employees whose applications are currently pending
12 with the Department and submits the roster to the
13 Department on a monthly basis. Rosters are to be maintained
14 by the agency for a period of at least 24 months.

15 An agency may employ only a permanent employee applicant
16 for which it either submitted a permanent employee application
17 and all required forms and fees or it confirms with the
18 Department that a permanent employee application and all
19 required forms and fees have been submitted by another agency,
20 licensee or the permanent employee and all other requirements
21 of this Section are met.

22 The Department shall have the authority to revoke, without
23 a hearing, the temporary authority of an individual to work
24 upon receipt of Federal Bureau of Investigation fingerprint
25 data or a report of another official authority indicating a
26 criminal conviction. If the Department has not received a
27 temporary employee's Federal Bureau of Investigation
28 fingerprint data within 120 days of the date the Department
29 received the Department of State Police fingerprint data, the
30 Department may, at its discretion, revoke the employee's
31 temporary authority to work with 15 days written notice to the
32 individual and the employing agency.

33 An agency may not employ a person in a temporary capacity
34 if it knows or reasonably should have known that the person has
35 been convicted of a crime under the laws of this State, has
36 been convicted in another state of any crime that is a crime

1 under the laws of this State, has been convicted of any crime
2 in a federal court, or has been posted as an unapproved
3 applicant by the Department. Notice by the Department to the
4 agency, via certified mail, personal delivery, electronic
5 mail, or posting on the Department's Internet site accessible
6 to the agency that the person has been convicted of a crime
7 shall be deemed constructive knowledge of the conviction on the
8 part of the agency. The Department may adopt rules to implement
9 this subsection (k).

10 (l) No person may be employed under this Section in any
11 capacity if:

12 (1) the person, while so employed, is being paid by the
13 United States or any political subdivision for the time so
14 employed in addition to any payments he or she may receive
15 from the employer; or

16 (2) the person wears any portion of his or her official
17 uniform, emblem of authority, or equipment while so
18 employed.

19 (m) If information is discovered affecting the
20 registration of a person whose fingerprints were submitted
21 under this Section, the Department shall so notify the agency
22 that submitted the fingerprints on behalf of that person.

23 (n) Peace officers shall be exempt from the requirements of
24 this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether
27 the peace officer is compensated as an employee or as an
28 independent contractor and as further defined by rule.

29 (o) Persons who have no access to confidential or security
30 information and who otherwise do not provide traditional
31 security services are exempt from employee registration.
32 Examples of exempt employees include, but are not limited to,
33 employees working in the capacity of ushers, directors, ticket
34 takers, cashiers, drivers, and reception personnel.
35 Confidential or security information is that which pertains to
36 employee files, scheduling, client contracts, or technical

1 security and alarm data.

2 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

3 (225 ILCS 447/35-35)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 35-35. Requirement of a firearm control ~~authorization~~
6 card.

7 (a) No person shall perform duties that include the use,
8 carrying, or possession of a firearm in the performance of
9 those duties without complying with the provisions of this
10 Section and having been issued a valid firearm control
11 ~~authorization~~ card by the Department.

12 (b) No employer shall employ any person to perform the
13 duties for which employee registration is required and allow
14 that person to carry a firearm unless that person has complied
15 with all the firearm training requirements of this Section and
16 has been issued a firearm control ~~authorization~~ card. This Act
17 permits only the following to carry firearms while actually
18 engaged in the performance of their duties or while commuting
19 directly to or from their places of employment: persons
20 licensed as private detectives and their registered employees;
21 persons licensed as private security contractors and their
22 registered employees; persons licensed as private alarm
23 contractors and their registered employees; and employees of a
24 registered armed proprietary security force.

25 (c) Possession of a valid firearm control ~~authorization~~
26 card allows an employee to carry a firearm not otherwise
27 prohibited by law while the employee is engaged in the
28 performance of his or her duties or while the employee is
29 commuting directly to or from the employee's place or places of
30 employment, provided that this is accomplished within one hour
31 from departure from home or place of employment.

32 (d) The Department shall issue a firearm control
33 ~~authorization~~ card to a person who has passed an approved
34 firearm training course, who is currently employed by an agency
35 licensed by this Act and has met all the requirements of this

1 Act, and who possesses a valid firearm owner identification
2 card. Application for the firearm control ~~authorization~~ card
3 shall be made by the employer to the Department on forms
4 provided by the Department. The Department shall forward the
5 card to the employer who shall be responsible for its issuance
6 to the employee. The firearm control ~~authorization~~ card shall
7 be issued by the Department and shall identify the person
8 holding it and the name of the course where the employee
9 received firearm instruction and shall specify the type of
10 weapon or weapons the person is authorized by the Department to
11 carry and for which the person has been trained.

12 (e) Expiration and requirements for renewal of firearm
13 control ~~authorization~~ cards shall be determined by rule.

14 (f) The Department may, in addition to any other
15 disciplinary action permitted by this Act, refuse to issue,
16 suspend, or revoke a firearm control ~~authorization~~ card if the
17 applicant or holder has been convicted of any felony or crime
18 involving the illegal use, carrying, or possession of a deadly
19 weapon or for a violation of this Act or rules promulgated
20 under this Act. The Department shall refuse to issue or shall
21 revoke a firearm control ~~authorization~~ card if the applicant or
22 holder fails to possess a valid firearm owners identification
23 card. The Director shall summarily suspend a firearm control
24 ~~authorization~~ card if the Director finds that its continued use
25 would constitute an imminent danger to the public. A hearing
26 shall be held before the Board within 30 days if the Director
27 summarily suspends a firearm control ~~authorization~~ card.

28 (g) Notwithstanding any other provision of this Act to the
29 contrary, all requirements relating to firearms control
30 ~~authorization~~ cards do not apply to a peace officer.

31 (h) The Department may issue a temporary firearm control
32 card pending issuance of a new firearm control card upon an
33 agency's acquiring of an established armed account. An agency
34 that has acquired armed employees as a result of acquiring an
35 established armed account may, on forms supplied by the
36 Department, request the issuance of a temporary firearm control

1 card for each acquired employee who held a valid firearm
2 control card under his or her employment with the
3 newly-acquired established armed account immediately preceding
4 the acquiring of the account and who continues to meet all of
5 the qualifications for issuance of a firearm control card set
6 forth in this Act and any rules adopted under this Act. The
7 Department shall, by rule, set the fee for issuance of a
8 temporary firearm control card.

9 (Source: P.A. 93-438, eff. 8-5-03.)

10 (225 ILCS 447/35-40)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 35-40. Firearm control ~~authorization~~; training
13 requirements.

14 (a) The Department shall, pursuant to rule, approve or
15 disapprove training programs for the firearm training course,
16 which shall be taught by a qualified instructor. Qualifications
17 for instructors shall be set by rule. The firearm training
18 course shall be conducted by entities, by a licensee, or by an
19 agency licensed by this Act, provided the course is approved by
20 the Department. The firearm course shall consist of the
21 following minimum requirements:

22 (1) 40 hours of training, 20 hours of which shall be as
23 described in Sections 15-20, 20-20, or 25-20, as
24 applicable, and 20 hours of which shall include all of the
25 following:

26 (A) Instruction in the dangers of and misuse of
27 firearms, their storage, safety rules, and care and
28 cleaning of firearms.

29 (B) Practice firing on a range with live
30 ammunition.

31 (C) Instruction in the legal use of firearms.

32 (D) A presentation of the ethical and moral
33 considerations necessary for any person who possesses
34 a firearm.

35 (E) A review of the laws regarding arrest, search,

1 and seizure.

2 (F) Liability for acts that may be performed in the
3 course of employment.

4 (2) An examination shall be given at the completion of
5 the course. The examination shall consist of a firearms
6 qualification course and a written examination. Successful
7 completion shall be determined by the Department.

8 (b) The firearm training requirement may be waived for an
9 employee who has completed training provided by the Illinois
10 Law Enforcement Training Standards Board or the equivalent
11 public body of another state, provided documentation showing
12 requalification with the weapon on the firing range is
13 submitted to the Department.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/35-45)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 35-45. Armed proprietary security force.

18 (a) All financial institutions that employ one or more
19 armed employees and all commercial or industrial operations
20 that employ 5 or more persons as armed employees shall register
21 their security forces with the Department on forms provided by
22 the Department.

23 (b) All armed employees of the registered proprietary
24 security force must complete a 20-hour basic training course
25 and 20-hour firearm training.

26 (c) Every proprietary security force is required to apply
27 to the Department, on forms supplied by the Department, for a
28 firearm control authorization card for each armed employee.

29 (d) The Department may provide rules for the administration
30 of this Section.

31 (Source: P.A. 93-438, eff. 8-5-03.)

32 (225 ILCS 447/40-10)

33 (Section scheduled to be repealed on January 1, 2014)

34 Sec. 40-10. Disciplinary sanctions.

1 (a) The Department may deny issuance, refuse to renew, or
2 restore or may reprimand, place on probation, suspend, or
3 revoke any license, registration, permanent employee
4 registration card, or firearm control ~~authorization~~ card, and
5 it may impose a fine not to exceed \$1,500 for a first violation
6 and not to exceed \$5,000 for a second or subsequent violation
7 for any of the following:

8 (1) Fraud or deception in obtaining or renewing of a
9 license or registration.

10 (2) Professional incompetence as manifested by poor
11 standards of service.

12 (3) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 (4) Conviction in Illinois or another state of any
16 crime that is a felony under the laws of Illinois; a felony
17 in a federal court; a misdemeanor, an essential element of
18 which is dishonesty; or directly related to professional
19 practice.

20 (5) Performing any services in a grossly negligent
21 manner or permitting any of a licensee's employees to
22 perform services in a grossly negligent manner, regardless
23 of whether actual damage to the public is established.

24 (6) Continued practice, although the person has become
25 unfit to practice due to any of the following:

26 (A) Physical illness, including, but not limited
27 to, deterioration through the aging process or loss of
28 motor skills that results in the inability to serve the
29 public with reasonable judgment, skill, or safety.

30 (B) Mental disability demonstrated by the entry of
31 an order or judgment by a court that a person is in
32 need of mental treatment or is incompetent.

33 (C) Addiction to or dependency on alcohol or drugs
34 that is likely to endanger the public. If the
35 Department has reasonable cause to believe that a
36 person is addicted to or dependent on alcohol or drugs

1 that may endanger the public, the Department may
2 require the person to undergo an examination to
3 determine the extent of the addiction or dependency.

4 (7) Receiving, directly or indirectly, compensation
5 for any services not rendered.

6 (8) Willfully deceiving or defrauding the public on a
7 material matter.

8 (9) Failing to account for or remit any moneys or
9 documents coming into the licensee's possession that
10 belong to another person or entity.

11 (10) Discipline by another United States jurisdiction
12 or foreign nation, if at least one of the grounds for the
13 discipline is the same or substantially equivalent to those
14 set forth in this Act.

15 (11) Giving differential treatment to a person that is
16 to that person's detriment because of race, color, creed,
17 sex, religion, or national origin.

18 (12) Engaging in false or misleading advertising.

19 (13) Aiding, assisting, or willingly permitting
20 another person to violate this Act or rules promulgated
21 under it.

22 (14) Performing and charging for services without
23 authorization to do so from the person or entity serviced.

24 (15) Directly or indirectly offering or accepting any
25 benefit to or from any employee, agent, or fiduciary
26 without the consent of the latter's employer or principal
27 with intent to or the understanding that this action will
28 influence his or her conduct in relation to his or her
29 employer's or principal's affairs.

30 (16) Violation of any disciplinary order imposed on a
31 licensee by the Department.

32 (17) Failing to comply with any provision of this Act
33 or rule promulgated under it.

34 (18) Conducting an agency without a valid license.

35 (19) Revealing confidential information, except as
36 required by law, including but not limited to information

1 available under Section 2-123 of the Illinois Vehicle Code.

2 (20) Failing to make available to the Department, upon
3 request, any books, records, or forms required by this Act.

4 (21) Failing, within 30 days, to respond to a written
5 request for information from the Department.

6 (22) Failing to provide employment information or
7 experience information required by the Department
8 regarding an applicant for licensure.

9 (23) Failing to make available to the Department at the
10 time of the request any indicia of licensure or
11 registration issued under this Act.

12 (24) Purporting to be a licensee-in-charge of an agency
13 without active participation in the agency.

14 (b) The Department shall seek to be consistent in the
15 application of disciplinary sanctions.

16 (Source: P.A. 93-438, eff. 8-5-03.)

17 (225 ILCS 447/45-50)

18 (Section scheduled to be repealed on January 1, 2014)

19 Sec. 45-50. Unlicensed practice; fraud in obtaining a
20 license.

21 (a) A person who violates any of the following provisions
22 shall be guilty of a Class A misdemeanor; a person who commits
23 a second or subsequent violation of these provisions is guilty
24 of a Class 4 felony:

25 (1) The practice of or attempted practice of or holding
26 out as available to practice as a private detective,
27 private security contractor, private alarm contractor, or
28 locksmith without a license.

29 (2) Operation of or attempt to operate a private
30 detective agency, private security contractor agency,
31 private alarm contractor agency, or locksmith agency
32 without ever having been issued a valid agency license.

33 (3) The obtaining of or the attempt to obtain any
34 license or authorization issued under this Act by
35 fraudulent misrepresentation.

1 (b) Whenever a licensee is convicted of a felony related to
2 the violations set forth in this Section, the clerk of the
3 court in any jurisdiction shall promptly report the conviction
4 to the Department and the Department shall immediately revoke
5 any license as a private detective, private security
6 contractor, private alarm contractor, or locksmith held by that
7 licensee. The individual shall not be eligible for licensure
8 under this Act until at least 10 years have elapsed since the
9 time of full discharge from any sentence imposed for a felony
10 conviction. If any person in making any oath or affidavit
11 required by this Act swears falsely, the person is guilty of
12 perjury and may be punished accordingly.

13 (c) In addition to any other penalty provided by law, a
14 person, licensed or unlicensed, who violates any provision of
15 this ~~Act Section~~ shall pay a civil penalty to the Department in
16 an amount not to exceed \$5,000 for each offense, as determined
17 by the Department. The civil penalty shall be imposed in
18 accordance with this Act.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/45-55)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 45-55. Subpoenas.

23 (a) The Department may subpoena and bring before it any
24 person to take the oral or written testimony with the same fees
25 and mileage and in the same manner as prescribed in civil
26 cases.

27 (b) Any circuit court, upon the application of the
28 licensee, the Department, or the Board, may order the
29 attendance of witnesses and the production of relevant books
30 and papers before the Board in any hearing under this Act. The
31 circuit court may compel obedience to its order by proceedings
32 for contempt.

33 (c) The Director, the hearing officer or a certified
34 shorthand court reporter may administer oaths at any hearing
35 the Department conducts. Notwithstanding any other statute or

1 Department rule to the contrary, all requests for testimony,
2 production of documents or records shall be in accordance with
3 this Act.

4 (Source: P.A. 93-438, eff. 8-5-03.)

5 Section 10. The Criminal Code of 1961 is amended by
6 changing Section 24-2 as follows:

7 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

8 Sec. 24-2. Exemptions.

9 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and
10 Section 24-1.6 do not apply to or affect any of the following:

11 (1) Peace officers, and any person summoned by a peace
12 officer to assist in making arrests or preserving the
13 peace, while actually engaged in assisting such officer.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense,
17 while in the performance of their official duty, or while
18 commuting between their homes and places of employment.

19 (3) Members of the Armed Services or Reserve Forces of
20 the United States or the Illinois National Guard or the
21 Reserve Officers Training Corps, while in the performance
22 of their official duty.

23 (4) Special agents employed by a railroad or a public
24 utility to perform police functions, and guards of armored
25 car companies, while actually engaged in the performance of
26 the duties of their employment or commuting between their
27 homes and places of employment; and watchmen while actually
28 engaged in the performance of the duties of their
29 employment.

30 (5) Persons licensed as private security contractors,
31 private detectives, or private alarm contractors, or
32 employed by an agency certified by the Department of
33 Professional Regulation, if their duties include the
34 carrying of a weapon under the provisions of the Private

1 Detective, Private Alarm, Private Security, and Locksmith
2 Act of 2004, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment, provided that such
5 commuting is accomplished within one hour from departure
6 from home or place of employment, as the case may be.
7 Persons exempted under this subdivision (a)(5) shall be
8 required to have completed a course of study in firearms
9 handling and training approved and supervised by the
10 Department of Professional Regulation as prescribed by
11 Section 28 of the Private Detective, Private Alarm, Private
12 Security, and Locksmith Act of 2004, prior to becoming
13 eligible for this exemption. The Department of
14 Professional Regulation shall provide suitable
15 documentation demonstrating the successful completion of
16 the prescribed firearms training. Such documentation shall
17 be carried at all times when such persons are in possession
18 of a concealable weapon.

19 (6) Any person regularly employed in a commercial or
20 industrial operation as a security guard for the protection
21 of persons employed and private property related to such
22 commercial or industrial operation, while actually engaged
23 in the performance of his or her duty or traveling between
24 sites or properties belonging to the employer, and who, as
25 a security guard, is a member of a security force of at
26 least 5 persons registered with the Department of
27 Professional Regulation; provided that such security guard
28 has successfully completed a course of study, approved by
29 and supervised by the Department of Professional
30 Regulation, consisting of not less than 40 hours of
31 training that includes the theory of law enforcement,
32 liability for acts, and the handling of weapons. A person
33 shall be considered eligible for this exemption if he or
34 she has completed the required 20 hours of training for a
35 security officer and 20 hours of required firearm training,
36 and has been issued a firearm control ~~authorization~~ card by

1 the Department of Professional Regulation. Conditions for
2 the renewal of firearm control ~~authorization~~ cards issued
3 under the provisions of this Section shall be the same as
4 for those cards issued under the provisions of the Private
5 Detective, Private Alarm, Private Security, and Locksmith
6 Act of 2004. Such firearm control ~~authorization~~ card shall
7 be carried by the security guard at all times when he or
8 she is in possession of a concealable weapon.

9 (7) Agents and investigators of the Illinois
10 Legislative Investigating Commission authorized by the
11 Commission to carry the weapons specified in subsections
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution for the
15 protection of other employees and property related to such
16 financial institution, while actually engaged in the
17 performance of their duties, commuting between their homes
18 and places of employment, or traveling between sites or
19 properties owned or operated by such financial
20 institution, provided that any person so employed has
21 successfully completed a course of study, approved by and
22 supervised by the Department of Professional Regulation,
23 consisting of not less than 40 hours of training which
24 includes theory of law enforcement, liability for acts, and
25 the handling of weapons. A person shall be considered to be
26 eligible for this exemption if he or she has completed the
27 required 20 hours of training for a security officer and 20
28 hours of required firearm training, and has been issued a
29 firearm control ~~authorization~~ card by the Department of
30 Professional Regulation. Conditions for renewal of firearm
31 control ~~authorization~~ cards issued under the provisions of
32 this Section shall be the same as for those issued under
33 the provisions of the Private Detective, Private Alarm,
34 Private Security, and Locksmith Act of 2004. Such firearm
35 control ~~authorization~~ card shall be carried by the person
36 so trained at all times when such person is in possession

1 of a concealable weapon. For purposes of this subsection,
2 "financial institution" means a bank, savings and loan
3 association, credit union or company providing armored car
4 services.

5 (9) Any person employed by an armored car company to
6 drive an armored car, while actually engaged in the
7 performance of his duties.

8 (10) Persons who have been classified as peace officers
9 pursuant to the Peace Officer Fire Investigation Act.

10 (11) Investigators of the Office of the State's
11 Attorneys Appellate Prosecutor authorized by the board of
12 governors of the Office of the State's Attorneys Appellate
13 Prosecutor to carry weapons pursuant to Section 7.06 of the
14 State's Attorneys Appellate Prosecutor's Act.

15 (12) Special investigators appointed by a State's
16 Attorney under Section 3-9005 of the Counties Code.

17 (12.5) Probation officers while in the performance of
18 their duties, or while commuting between their homes,
19 places of employment or specific locations that are part of
20 their assigned duties, with the consent of the chief judge
21 of the circuit for which they are employed.

22 (13) Court Security Officers while in the performance
23 of their official duties, or while commuting between their
24 homes and places of employment, with the consent of the
25 Sheriff.

26 (13.5) A person employed as an armed security guard at
27 a nuclear energy, storage, weapons or development site or
28 facility regulated by the Nuclear Regulatory Commission
29 who has completed the background screening and training
30 mandated by the rules and regulations of the Nuclear
31 Regulatory Commission.

32 (14) Manufacture, transportation, or sale of weapons
33 to persons authorized under subdivisions (1) through
34 (13.5) of this subsection to possess those weapons.

35 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
36 24-1.6 do not apply to or affect any of the following:

1 (1) Members of any club or organization organized for
2 the purpose of practicing shooting at targets upon
3 established target ranges, whether public or private, and
4 patrons of such ranges, while such members or patrons are
5 using their firearms on those target ranges.

6 (2) Duly authorized military or civil organizations
7 while parading, with the special permission of the
8 Governor.

9 (3) Hunters, trappers or fishermen with a license or
10 permit while engaged in hunting, trapping or fishing.

11 (4) Transportation of weapons that are broken down in a
12 non-functioning state or are not immediately accessible.

13 (c) Subsection 24-1(a)(7) does not apply to or affect any
14 of the following:

15 (1) Peace officers while in performance of their
16 official duties.

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense.

20 (3) Members of the Armed Services or Reserve Forces of
21 the United States or the Illinois National Guard, while in
22 the performance of their official duty.

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or
27 are not immediately accessible.

28 (5) Persons licensed under federal law to manufacture
29 any weapon from which 8 or more shots or bullets can be
30 discharged by a single function of the firing device, or
31 ammunition for such weapons, and actually engaged in the
32 business of manufacturing such weapons or ammunition, but
33 only with respect to activities which are within the lawful
34 scope of such business, such as the manufacture,
35 transportation, or testing of such weapons or ammunition.
36 This exemption does not authorize the general private

1 possession of any weapon from which 8 or more shots or
2 bullets can be discharged by a single function of the
3 firing device, but only such possession and activities as
4 are within the lawful scope of a licensed manufacturing
5 business described in this paragraph.

6 During transportation, such weapons shall be broken
7 down in a non-functioning state or not immediately
8 accessible.

9 (6) The manufacture, transport, testing, delivery,
10 transfer or sale, and all lawful commercial or experimental
11 activities necessary thereto, of rifles, shotguns, and
12 weapons made from rifles or shotguns, or ammunition for
13 such rifles, shotguns or weapons, where engaged in by a
14 person operating as a contractor or subcontractor pursuant
15 to a contract or subcontract for the development and supply
16 of such rifles, shotguns, weapons or ammunition to the
17 United States government or any branch of the Armed Forces
18 of the United States, when such activities are necessary
19 and incident to fulfilling the terms of such contract.

20 The exemption granted under this subdivision (c)(6)
21 shall also apply to any authorized agent of any such
22 contractor or subcontractor who is operating within the
23 scope of his employment, where such activities involving
24 such weapon, weapons or ammunition are necessary and
25 incident to fulfilling the terms of such contract.

26 During transportation, any such weapon shall be broken
27 down in a non-functioning state, or not immediately
28 accessible.

29 (d) Subsection 24-1(a)(1) does not apply to the purchase,
30 possession or carrying of a black-jack or slung-shot by a peace
31 officer.

32 (e) Subsection 24-1(a)(8) does not apply to any owner,
33 manager or authorized employee of any place specified in that
34 subsection nor to any law enforcement officer.

35 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
36 Section 24-1.6 do not apply to members of any club or

1 organization organized for the purpose of practicing shooting
2 at targets upon established target ranges, whether public or
3 private, while using their firearms on those target ranges.

4 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
5 to:

6 (1) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard, while in
8 the performance of their official duty.

9 (2) Bonafide collectors of antique or surplus military
10 ordinance.

11 (3) Laboratories having a department of forensic
12 ballistics, or specializing in the development of
13 ammunition or explosive ordinance.

14 (4) Commerce, preparation, assembly or possession of
15 explosive bullets by manufacturers of ammunition licensed
16 by the federal government, in connection with the supply of
17 those organizations and persons exempted by subdivision
18 (g)(1) of this Section, or like organizations and persons
19 outside this State, or the transportation of explosive
20 bullets to any organization or person exempted in this
21 Section by a common carrier or by a vehicle owned or leased
22 by an exempted manufacturer.

23 (g-5) Subsection 24-1(a)(6) does not apply to or affect
24 persons licensed under federal law to manufacture any device or
25 attachment of any kind designed, used, or intended for use in
26 silencing the report of any firearm, firearms, or ammunition
27 for those firearms equipped with those devices, and actually
28 engaged in the business of manufacturing those devices,
29 firearms, or ammunition, but only with respect to activities
30 that are within the lawful scope of that business, such as the
31 manufacture, transportation, or testing of those devices,
32 firearms, or ammunition. This exemption does not authorize the
33 general private possession of any device or attachment of any
34 kind designed, used, or intended for use in silencing the
35 report of any firearm, but only such possession and activities
36 as are within the lawful scope of a licensed manufacturing

1 business described in this subsection (g-5). During
2 transportation, those devices shall be detached from any weapon
3 or not immediately accessible.

4 (h) An information or indictment based upon a violation of
5 any subsection of this Article need not negative any exemptions
6 contained in this Article. The defendant shall have the burden
7 of proving such an exemption.

8 (i) Nothing in this Article shall prohibit, apply to, or
9 affect the transportation, carrying, or possession, of any
10 pistol or revolver, stun gun, taser, or other firearm consigned
11 to a common carrier operating under license of the State of
12 Illinois or the federal government, where such transportation,
13 carrying, or possession is incident to the lawful
14 transportation in which such common carrier is engaged; and
15 nothing in this Article shall prohibit, apply to, or affect the
16 transportation, carrying, or possession of any pistol,
17 revolver, stun gun, taser, or other firearm, not the subject of
18 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
19 this Article, which is unloaded and enclosed in a case, firearm
20 carrying box, shipping box, or other container, by the
21 possessor of a valid Firearm Owners Identification Card.

22 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
23 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.